

AMENDED IN SENATE APRIL 13, 2011

**SENATE BILL**

**No. 512**

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**Introduced by Senator Price**

February 17, 2011

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An act to amend Section 52052 of the Education Code, relating to school accountability.

LEGISLATIVE COUNSEL'S DIGEST

SB 512, as amended, Price. Academic Performance Index: ~~numerically significant~~ pupil subgroups: *performance data*.

Existing law requires the Superintendent of Public Instruction, with the approval of the State Board of Education, to develop an Academic Performance Index (API) to measure school and pupil performance. Existing law requires a school to demonstrate comparable improvement in academic achievement as measured by the API by all numerically significant pupil subgroups at the school, including ethnic subgroups, socioeconomically disadvantaged pupils, English learners, and pupils with disabilities. For purposes of these provisions, existing law defines a numerically significant pupil subgroup as one that either consists of at least 50 pupils each of whom has a valid test score, or one that constitutes at least ~~15 percent~~ 15% of the total population of pupils at a school who have valid test scores, except as specified.

~~This bill would instead define a numerically significant pupil subgroup as one that consists of at least 10 pupils each of whom has a valid test score.~~

*This bill would require that reporting conducted pursuant to these provisions include performance data for pupil subgroups consisting of 10 or more pupils with valid test scores. The bill would require that this reporting be conducted in accordance with specified federal privacy*

laws, and would state the Legislature's intent that this data not be used for federal or state accountability purposes.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 52052 of the Education Code is amended  
2 to read:  
3     52052. (a) (1) The Superintendent, with approval of the state  
4 board, shall develop an Academic Performance Index (API), to  
5 measure the performance of schools, especially the academic  
6 performance of pupils.  
7     (2) A school shall demonstrate comparable improvement in  
8 academic achievement as measured by the API by all numerically  
9 significant pupil subgroups at the school, including:  
10    (A) Ethnic subgroups.  
11    (B) Socioeconomically disadvantaged pupils.  
12    (C) English-language learners.  
13    (D) Pupils with disabilities.  
14    (3) (A) For purposes of this section, a numerically significant  
15 pupil subgroup is one that meets both of the following criteria:  
16    (i) The subgroup consists of at least 50 pupils each of whom  
17 has a valid test score.  
18    (ii) The subgroup constitutes at least 15 percent of the total  
19 population of pupils at a school who have valid test scores.  
20    (B) If a subgroup does not constitute 15 percent of the total  
21 population of pupils at a school who have valid test scores, the  
22 subgroup may constitute a numerically significant pupil subgroup  
23 if it has at least 100 valid test scores.  
24    (C) For a school with an API score that is based on no fewer  
25 than 11 and no more than 99 pupils with valid test scores,  
26 numerically significant subgroups shall be defined by the  
27 Superintendent, with approval by the state board.  
28    (4) The API shall consist of a variety of indicators currently  
29 reported to the department, including, but not limited to, the results  
30 of the achievement test administered pursuant to Section 60640,  
31 attendance rates for pupils in elementary schools, middle schools,  
32 and secondary schools, and the graduation rates for pupils in  
33 secondary schools.

1 (A) Graduation rates for pupils in secondary schools shall be  
2 calculated for the API as follows:

3 (i) Four-year graduation rates shall be calculated by taking the  
4 number of pupils who graduated on time for the current school  
5 year, which is considered to be three school years after the pupils  
6 entered grade 9 for the first time, and dividing that number by the  
7 total calculated in clause (ii).

8 (ii) The number of pupils entering grade 9 for the first time in  
9 the school year three school years prior to the current school year,  
10 plus the number of pupils who transferred into the class graduating  
11 at the end of the current school year between the school year that  
12 was three school years prior to the current school year and the date  
13 of graduation, less the number of pupils who transferred out of the  
14 school between the school year that was three school years prior  
15 to the current school year and the date of graduation who were  
16 members of the class that is graduating at the end of the current  
17 school year.

18 (iii) Five-year graduation rates shall be calculated by taking the  
19 number of pupils who graduated on time for the current school  
20 year, which is considered to be four school years after the pupils  
21 entered grade 9 for the first time, and dividing that number by the  
22 total calculated in clause (iv).

23 (iv) The number of pupils entering grade 9 for the first time in  
24 the school year four years prior to the current school year, plus the  
25 number of pupils who transferred into the class graduating at the  
26 end of the current school year between the school year that was  
27 four school years prior to the current school year and the date of  
28 graduation, less the number of pupils who transferred out of the  
29 school between the school year that was four years prior to the  
30 current school year and the date of graduation who were members  
31 of the class that is graduating at the end of the current school year.

32 (v) Six-year graduation rates shall be calculated by taking the  
33 number of pupils who graduated on time for the current school  
34 year, which is considered to be five school years after the pupils  
35 entered grade 9 for the first time, and dividing that number by the  
36 total calculated in clause (vi).

37 (vi) The number of pupils entering grade 9 for the first time in  
38 the school year five years prior to the current school year, plus the  
39 number of pupils who transferred into the class graduating at the  
40 end of the current school year between the school year that was

1 five school years prior to the current school year and the date of  
2 graduation, less the number of pupils who transferred out of the  
3 school between the school year that was five years prior to the  
4 current school year and the date of graduation who were members  
5 of the class that is graduating at the end of the current school year.

6 (B) The inclusion of five- and six-year graduation rates for  
7 pupils in secondary schools shall meet the following requirements:

8 (i) Schools shall be granted one-half the credit in their API  
9 scores for graduating pupils in five years that they are granted for  
10 graduating pupils in four years.

11 (ii) Schools shall be granted one-quarter the credit in their API  
12 scores for graduating pupils in six years that they are granted for  
13 graduating pupils in four years.

14 (iii) Notwithstanding clauses (i) and (ii), schools shall be granted  
15 full credit in their API scores for graduating in five or six years a  
16 pupil with disabilities who graduates in accordance with his or her  
17 individualized education program (IEP).

18 (C) The pupil data collected for the API that comes from the  
19 achievement test administered pursuant to Section 60640 and the  
20 high school exit examination administered pursuant to Section  
21 60851, when fully implemented, shall be disaggregated by special  
22 education status, English language learners, socioeconomic status,  
23 gender, and ethnic group. Only the test scores of pupils who were  
24 counted as part of the enrollment in the annual data collection of  
25 the California Basic Educational Data System for the current fiscal  
26 year and who were continuously enrolled during that year may be  
27 included in the test result reports in the API score of the school.  
28 Results of the achievement test and other tests specified in  
29 subdivision (b) shall constitute at least 60 percent of the value of  
30 the index.

31 (D) Before including high school graduation rates and attendance  
32 rates in the API, the Superintendent shall determine the extent to  
33 which the data currently are reported to the state and the accuracy  
34 of the data. Notwithstanding any other ~~provision of law~~, graduation  
35 rates for pupils in dropout recovery high schools shall not be  
36 included in the API. For purposes of this subparagraph, “dropout  
37 recovery high school” means a high school in which 50 percent  
38 or more of its pupils have been designated as dropouts pursuant  
39 to the exit/withdrawal codes developed by the department.

1 (E) The Superintendent shall provide an annual report to the  
2 Legislature on the graduation and dropout rates in California and  
3 shall make the same report available to the public. The report shall  
4 be accompanied by the release of publicly accessible data for each  
5 school district and school in a manner that provides for  
6 disaggregation based upon socioeconomically disadvantaged pupils  
7 and numerically significant subgroups scoring below average on  
8 statewide standards-aligned assessments. In addition, the data shall  
9 be made available in a manner that provides for comparisons of a  
10 minimum of three years of data.

11 (b) Pupil scores from the following tests, when available and  
12 when found to be valid and reliable for this purpose, shall be  
13 incorporated into the API:

14 (1) The standards-based achievement tests provided for in  
15 Section 60642.5.

16 (2) The high school exit examination.

17 (c) Based on the API, the Superintendent shall develop, and the  
18 state board shall adopt, expected annual percentage growth targets  
19 for all schools based on their API baseline score from the previous  
20 year. Schools are expected to meet these growth targets through  
21 effective allocation of available resources. For schools below the  
22 statewide API performance target adopted by the state board  
23 pursuant to subdivision (d), the minimum annual percentage growth  
24 target shall be 5 percent of the difference between the actual API  
25 score of a school and the statewide API performance target, or one  
26 API point, whichever is greater. Schools at or above the statewide  
27 API performance target shall have, as their growth target,  
28 maintenance of their API score above the statewide API  
29 performance target. However, the state board may set differential  
30 growth targets based on grade level of instruction and may set  
31 higher growth targets for the lowest performing schools because  
32 they have the greatest room for improvement. To meet its growth  
33 target, a school shall demonstrate that the annual growth in its API  
34 is equal to or more than its schoolwide annual percentage growth  
35 target and that all numerically significant pupil subgroups, as  
36 defined in subdivision (a), are making comparable improvement.

37 (d) *Reporting conducted pursuant to this section shall include*  
38 *performance data for any pupil subgroup, pursuant to the*  
39 *categories designated in paragraph (2) of subdivision (a), that*  
40 *includes 10 or more pupils with valid test scores.*

1 (1) Reporting conducted pursuant to this subdivision shall be  
 2 in accordance with the federal Family Educational Rights and  
 3 Privacy Act (20 U.S.C. Sec. 1232g), and any regulations adopted  
 4 pursuant to that act.

5 (2) It is the intent of the Legislature that the reporting conducted  
 6 pursuant to this subdivision be for reporting purposes only, and  
 7 not be used for purposes of federal and state accountability.

8 ~~(d)~~

9 (e) Upon adoption of state performance standards by the state  
 10 board, the Superintendent shall recommend, and the state board  
 11 shall adopt, a statewide API performance target that includes  
 12 consideration of performance standards and represents the  
 13 proficiency level required to meet the state performance target.  
 14 When the API is fully developed, schools, at a minimum, shall  
 15 meet their annual API growth targets to be eligible for the  
 16 Governor's Performance Award Program as set forth in Section  
 17 52057. The state board may establish additional criteria that schools  
 18 must meet to be eligible for the Governor's Performance Award  
 19 Program.

20 ~~(e)~~

21 (f) The API shall be used for both of the following:

22 (1) Measuring the progress of schools selected for participation  
 23 in the Immediate Intervention/Underperforming Schools Program  
 24 pursuant to Section 52053.

25 (2) Ranking all public schools in the state for the purpose of the  
 26 High Achieving/Improving Schools Program pursuant to Section  
 27 52056.

28 ~~(f)~~

29 (g) (1) A school with 11 to 99 pupils with valid test scores shall  
 30 receive an API score with an asterisk that indicates less statistical  
 31 certainty than API scores based on 100 or more test scores.

32 (2) A school annually shall receive an API score, unless the  
 33 Superintendent determines that an API score would be an invalid  
 34 measure of the performance of the school for one or more of the  
 35 following reasons:

36 (A) Irregularities in testing procedures occurred.

37 (B) The data used to calculate the API score of the school are  
 38 not representative of the pupil population at the school.

39 (C) Significant demographic changes in the pupil population  
 40 render year-to-year comparisons of pupil performance invalid.

1 (D) The department discovers or receives information indicating  
2 that the integrity of the API score has been compromised.

3 (E) Insufficient pupil participation in the assessments included  
4 in the API.

5 (3) If a school has fewer than 100 pupils with valid test scores,  
6 the calculation of the API or adequate yearly progress pursuant to  
7 the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301  
8 et seq.) and federal regulations may be calculated over more than  
9 one annual administration of the tests administered pursuant to  
10 Section 60640 and the high school exit examination administered  
11 pursuant to Section 60851, consistent with regulations adopted by  
12 the state board.

13 ~~(g)~~

14 (h) Only schools with 100 or more test scores contributing to  
15 the API may be included in the API rankings.

16 ~~(h)~~

17 (i) The Superintendent, with the approval of the state board,  
18 shall develop an alternative accountability system for schools under  
19 the jurisdiction of a county board of education or a county  
20 superintendent of schools, community day schools, nonpublic,  
21 nonsectarian schools pursuant to Section 56366, and alternative  
22 schools serving high-risk pupils, including continuation high  
23 schools and opportunity schools. Schools in the alternative  
24 accountability system may receive an API score, but shall not be  
25 included in the API rankings.

26 SECTION 1. ~~Section 52052 of the Education Code is amended~~  
27 ~~to read:~~

28 52052. ~~(a) (1) The Superintendent, with approval of the state~~  
29 ~~board, shall develop an Academic Performance Index (API), to~~  
30 ~~measure the performance of schools, especially the academic~~  
31 ~~performance of pupils.~~

32 ~~(2) A school shall demonstrate comparable improvement in~~  
33 ~~academic achievement as measured by the API by all numerically~~  
34 ~~significant pupil subgroups at the school, including:~~

35 ~~(A) Ethnic subgroups.~~

36 ~~(B) Socioeconomically disadvantaged pupils.~~

37 ~~(C) English learners.~~

38 ~~(D) Pupils with disabilities.~~

39 ~~(3) For purposes of this section, a numerically significant pupil~~  
40 ~~subgroup is one that~~

1 consists of at least 10 pupils each of whom has a valid test score.

2 ~~(4) For a school with an API score that is based on no fewer~~  
3 ~~than 11 and no more than 99 pupils with valid test scores,~~  
4 ~~numerically significant subgroups shall be defined by the~~  
5 ~~Superintendent, with approval by the state board.~~

6 ~~(5) The API shall consist of a variety of indicators currently~~  
7 ~~reported to the department, including, but not limited to, the results~~  
8 ~~of the achievement test administered pursuant to Section 60640,~~  
9 ~~attendance rates for pupils in elementary schools, middle schools,~~  
10 ~~and secondary schools, and the graduation rates for pupils in~~  
11 ~~secondary schools.~~

12 ~~(A) Graduation rates for pupils in secondary schools shall be~~  
13 ~~calculated for the API as follows:~~

14 ~~(i) Four-year graduation rates shall be calculated by taking the~~  
15 ~~number of pupils who graduated on time for the current school~~  
16 ~~year, which is considered to be three school years after the pupils~~  
17 ~~entered grade 9 for the first time, and dividing that number by the~~  
18 ~~total calculated in clause (ii).~~

19 ~~(ii) The number of pupils entering grade 9 for the first time in~~  
20 ~~the school year three school years prior to the current school year,~~  
21 ~~plus the number of pupils who transferred into the class graduating~~  
22 ~~at the end of the current school year between the school year that~~  
23 ~~was three school years prior to the current school year and the date~~  
24 ~~of graduation, less the number of pupils who transferred out of the~~  
25 ~~school between the school year that was three school years prior~~  
26 ~~to the current school year and the date of graduation who were~~  
27 ~~members of the class that is graduating at the end of the current~~  
28 ~~school year.~~

29 ~~(iii) Five-year graduation rates shall be calculated by taking the~~  
30 ~~number of pupils who graduated on time for the current school~~  
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32 ~~entered grade 9 for the first time, and dividing that number by the~~  
33 ~~total calculated in clause (iv).~~

34 ~~(iv) The number of pupils entering grade 9 for the first time in~~  
35 ~~the school year four years prior to the current school year, plus the~~  
36 ~~number of pupils who transferred into the class graduating at the~~  
37 ~~end of the current school year between the school year that was~~  
38 ~~four school years prior to the current school year and the date of~~  
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1 current school year and the date of graduation who were members  
2 of the class that is graduating at the end of the current school year.

3 ~~(v) Six-year graduation rates shall be calculated by taking the  
4 number of pupils who graduated on time for the current school  
5 year, which is considered to be five school years after the pupils  
6 entered grade 9 for the first time, and dividing that number by the  
7 total calculated in clause (vi).~~

8 ~~(vi) The number of pupils entering grade 9 for the first time in  
9 the school year five years prior to the current school year, plus the  
10 number of pupils who transferred into the class graduating at the  
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14 school between the school year that was five years prior to the  
15 current school year and the date of graduation who were members  
16 of the class that is graduating at the end of the current school year.~~

17 ~~(B) The inclusion of five- and six-year graduation rates for  
18 pupils in secondary schools shall meet the following requirements:~~

19 ~~(i) Schools shall be granted one-half the credit in their API  
20 scores for graduating pupils in five years that they are granted for  
21 graduating pupils in four years.~~

22 ~~(ii) Schools shall be granted one-quarter the credit in their API  
23 scores for graduating pupils in six years that they are granted for  
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25 ~~(iii) Notwithstanding clauses (i) and (ii), schools shall be granted  
26 full credit in their API scores for graduating in five or six years a  
27 pupil with disabilities who graduates in accordance with his or her  
28 individualized education program (IEP).~~

29 ~~(C) The pupil data collected for the API that comes from the  
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31 high school exit examination administered pursuant to Section  
32 60851, when fully implemented, shall be disaggregated by special  
33 education status, English learners, socioeconomic status, gender,  
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3 ~~(D) Before including high school graduation rates and attendance~~  
4 ~~rates in the API, the Superintendent shall determine the extent to~~  
5 ~~which the data currently are reported to the state and the accuracy~~  
6 ~~of the data. Notwithstanding any other provision of law, graduation~~  
7 ~~rates for pupils in dropout recovery high schools shall not be~~  
8 ~~included in the API. For purposes of this subparagraph, “dropout~~  
9 ~~recovery high school” means a high school in which 50 percent~~  
10 ~~or more of its pupils have been designated as dropouts pursuant~~  
11 ~~to the exit/withdrawal codes developed by the department.~~

12 ~~(E) The Superintendent shall provide an annual report to the~~  
13 ~~Legislature on the graduation and dropout rates in California and~~  
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8 (d) Upon adoption of state performance standards by the state  
9 board, the Superintendent shall recommend, and the state board  
10 shall adopt, a statewide API performance target that includes  
11 consideration of performance standards and represents the  
12 proficiency level required to meet the state performance target.  
13 When the API is fully developed, schools, at a minimum, shall  
14 meet their annual API growth targets to be eligible for the  
15 Governor's Performance Award Program as set forth in Section  
16 52057. The state board may establish additional criteria that schools  
17 must meet to be eligible for the Governor's Performance Award  
18 Program.

19 (e) The API shall be used for both of the following:

20 (1) Measuring the progress of schools selected for participation  
21 in the Immediate Intervention/Underperforming Schools Program  
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23 (2) Ranking all public schools in the state for the purpose of the  
24 High Achieving/Improving Schools Program pursuant to Section  
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26 (f) (1) A school with 11 to 99 pupils with valid test scores shall  
27 receive an API score with an asterisk that indicates less statistical  
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30 Superintendent determines that an API score would be an invalid  
31 measure of the performance of the school for one or more of the  
32 following reasons:

33 (A) Irregularities in testing procedures occurred.

34 (B) The data used to calculate the API score of the school are  
35 not representative of the pupil population at the school.

36 (C) Significant demographic changes in the pupil population  
37 render year-to-year comparisons of pupil performance invalid.

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39 that the integrity of the API score has been compromised.

- 1     ~~(E) Insufficient pupil participation in the assessments included~~  
2     ~~in the API.~~
- 3     ~~(3) If a school has fewer than 100 pupils with valid test scores,~~  
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6     ~~et seq.) and federal regulations may be calculated over more than~~  
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9     ~~pursuant to Section 60851, consistent with regulations adopted by~~  
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